

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Oug Press, Ltd.,	:	
	:	CIVIL ACTION NO:
	:	2:09-cv-01566-GLL
Plaintiff,	:	
v.	:	
Silicon Valley Community	:	<b>Electronically Filed</b>
Foundation,	:	
Defendant.	:	

**STIPULATION AND ORDER PERMITTING PLAINTIFF  
TO FILE FIRST AMENDED COMPLAINT**

WHEREAS, on November 27, 2009, Plaintiff OUG Press, Ltd. ("Plaintiff") filed the complaint in this action ("Complaint");

WHEREAS, on January 29, 2010, Defendant Silicon Valley Community Foundation ("Defendant"), filed a motion to dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, or to stay the action ("Motion to Dismiss"), to which, on February 26, 2010, Plaintiff filed its response, brief in support, as well as a motion for leave to file an amended complaint. Per the request of the Clerk on March 1, 2010, Plaintiff divided and filed its motion for leave as a separate docketed motion on March 1, 2010 ("Motion for Leave").

WHEREAS, the parties desire to streamline the motion practice related to Plaintiff's original Complaint and minimize inconvenience to the parties and the Court regarding the pleadings in this action;

**NOW, THEREFORE, IT IS HEREBY STIPULATED** by the parties, by and through their respective undersigned counsel, that:

1. The parties hereby stipulate and agree that Plaintiff's Motion for Leave shall be granted;

2. Upon entry of this Stipulation as the Order of the Court, Plaintiff's proposed Amended Complaint that is attached as Exhibit A to the Motion for Leave shall be deemed filed, and Defendant shall have 20 days thereafter to file a responsive pleading to the Amended Complaint. The parties agree that each party reserves all rights with respect to this stipulation as permitted under the Federal Rules of Civil Procedure, the Local Rules of Court or any other applicable rules or procedures;

3. Upon entry of this Stipulation as the Order of the Court, Defendant's Motion to Dismiss will be rendered moot hereby.

4. Both parties consent to this stipulation.

**IT IS SO STIPULATED.**

DATED: March 10, 2010

**DLA PIPER LLP (US)**

By: /s/ Aaron Wainscoat  
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Attorneys for Defendant,  
Silicon Valley Community Foundation

DATED: March 10, 2010

**ZEGARELLI TECHNOLOGY & ENTREPRENEURIAL  
VENTURES LAW GROUP, P.C.**

By: /s/ Gregg R. Zegarelli

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Attorneys for Plaintiff OUG Press, Ltd.

**IT IS SO ORDERED:**

The Stipulation of the parties is GRANTED.

Plaintiff's proposed Amended Complaint attached as Exhibit A to the Motion for Leave [Document 25] is hereby deemed filed. Defendant shall file a responsive pleading within 20 days from the date hereof. Defendant's Motion to Dismiss is rendered moot hereby.

Dated: 15, 2010



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United District Court Judge